

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

DEBRA MASSENGILL HECK,)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-266
)	(Phillips)
LIFE INSURANCE COMPANY OF NORTH)	
AMERICA, AND RYERSON, INC., d/b/a)	
RYERSON TULL COIL PROCESSING,)	
Defendants.)	
LINDA D. TUDOR,)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-325
)	(Phillips)
CONNECTICUT GENERAL LIFE)	
INSURANCE COMPANY, DEBBIE J.)	
TRATTA MASSENGILL and JOSEPH T.)	
RYERSON & SON, INC.,)	
Defendants.)	

ORDER

This matter is before the court on the motion of the defendants Life Insurance Company of North America and Connecticut General Life Insurance Company for interpleader and consolidation of cases under Rules 1, 22 and 42 of the Federal Rules of Civil Procedure and § 502(a)(3)(B) of ERISA, 29 U.S.C. § 1132(a)(3)(B). In support of the motion, defendant insurance companies state that they issued a life insurance policy to James Luther Massengill, who is now deceased. Both of the captioned actions arise under

ERISA because both concern entitlement to benefits under an “employee welfare benefit plan.” In both cases, each plaintiff alleges that she is entitled to the same proceeds of the life insurance policy held in the name of the insured. The defendants are unable to make a determination as to the correct individual who is entitled to be paid the insurance benefit under the policy.

The defendants aver that the insurance benefit should be paid according to the findings, conclusions and instructions of the court. To that end, Life Insurance Company of North America proposes to tender the sum of the insurance policy, plus interest, to the court for deposit in an interest bearing account pending resolution of the claims of the plaintiffs. Neither plaintiff has responded in opposition to the defendants’ motion.

The court finds the defendants’ motion for interpleader well taken and said motion [Doc. 11] is hereby **GRANTED**. Moreover, pursuant to FRCP 42, these actions are consolidated for all future proceedings. **Civil Action No. 3:09-cv-266 will be the lead case** and pending final resolution of these consolidated cases, all filings shall be made in Case No. 3:09-cv-266.

IT IS SO ORDERED.

ENTER:



s/ Thomas W. Phillips
United States District Judge